

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LEE HUNT, as Personal Representative of the
Wrongful Death Estate of Ariza Barreras and
GABRIELLE VALDEZ, as Guardian Ad Litem
For T.B. and F.B., minor children,

Plaintiffs,

v.

No. 1:19-cv-00700 KWR-KRS

STEPHANIE CROWNOVER, in her personal
Capacity acting under color of state
law; LEAH MONTANO, in her personal
capacity acting under color of state
law; GWENDOLYN GRIFFIN, in her personal
capacity acting under color of state
law; of state law; KIM CHAVEZ-BUIE,
in her personal capacity acting under
color of state law; MICHELLE HILL, in
her personal capacity acting under
color of state law; LORA VALDEZ, in her
personal capacity acting under color of
state law; and THE NEW MEXICO CHILDREN,
YOUTH AND FAMILIES DEPARTMENT,

Defendants.

ORDER APPOINTING GUARDIAN AD LITEM

THIS MATTER having come before the Court for the appointment of a Guardian ad litem to assist the Court in evaluating a proposed settlement involving Plaintiffs and Defendants New Mexico Children, Youth & Families Department, which in part benefits T.B. and F.B., minor children, the Court having reviewed the file and being otherwise fully advised, hereby finds:

1. A Guardian Ad Litem should be appointed by this Court in connection with the Court's consideration of matters relating to settlement of a minors' claims involving the above referenced parties.

2. The Guardian Ad Litem should be appointed to investigate on behalf of the Court into the fairness and reasonableness of a proposed settlement and its effect on the minor children involving the above referenced parties pursuant to *Jones v. Nuclear Pharmacy, Inc.*, 741 F.2d 322 (10th Cir. 1984).

3. The Guardian Ad Litem's appointment does not contemplate representation of the minors as an advocate, but only as a functionary of the Court.

4. The Guardian Ad Litem's responsibilities under this appointment are to the Court, and not to the children. The children in this matter are already represented by competent counsel, and the Guardian Ad litem under this appointment should not be requested to invade or interfere with the children's counsel's responsibility to adequately and effectively represent the children.

5. There are strong public policy reasons to grant immunity to the Guardian Ad Litem in this case, who is acting as an "arm of the Court" and is performing an essential role in this Court's administration of justice, as the Judge's assistant.

6. All immunities and privileges available to the Guardian Ad Litem, as articulated by the New Mexico Supreme Court in *Collins v. Tabet*, 1991-NMSC-013, 111 N.M. 391, 806 P.2d 40. should be extended to the Guardian Ad Litem in this matter.

7. Alysian Boothe Collins, Esq. is qualified to perform as Guardian Ad Litem in this matter.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED Alysian Boothe Collins, Esq. shall be appointed Guardian Ad Litem for T.B. and F.B., as an "arm of the Court", appointed in connection with this Court's consideration of a settlement involving the above referenced parties for the benefit of the minor children. Alysian Boothe Collins, Esq. shall be absolutely immune from any liability for her actions taken pursuant to this appointment, in so far as his conduct in the case is as a result of an investigation on behalf of this Court into the fairness

and reasonableness of the settlement involving the above referenced parties, in its effect on the minor children. The Guardian Ad Litem's duties and obligations in this Court are owed to the Court, and not to the minor children.

This appointment of Alysian Boothe Collins, Esq. as Guardian Ad litem is intended to convey upon her all of the immunities and protections allowed or provided under *Collins v. Tabet*, 1991-NMSC-013, 111 N.M. 391, 806 P.2d 40.

IT IS SO ORDERED.


KEA W. RIGGS
UNITED STATES DISTRICT JUDGE

APPROVED:

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***Guardian Ad Litem for T. B. and F. B., minor
Children***
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***Proposed Guardian Ad Litem for Minor
Settlement Review***